IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO. 310 OF 2004

The State of Maharashtra ..Appellants

versus

Mahadeo Sonu Bhuwad ..Respondent

Mr. A. R. Patil, AGP for the Appellants - State.

Ms. Badadare for the Respondent.

CORAM : D. G. DESHPANDE,J.

DATE : 29TH JUNE,2005

ORAL ORDER :

1. Heard.

2. This appeal is filed by the State challenging the enhancement of compensation granted by the Reference Court. Notification under Section 4 was dated 24.9.1992. Learned AGP contended that the sale instances relied upon by the respondent - claimant are subsequent to the notification. They are dated 23.12.1992 and therefore they are three months after the notification.

3. It is true that the sale deed is subsequent but it is in the vicinity of the same village and in

fact from the two sale deeds including the one referred to above produced and proved by the claimants, the compensation comes to Rs.5,000/- but the claimant claimed only Rs.2,000/-. Therefore this is a case where the price claimed by the claimant has been supported by the specific instances and not based on conjectures. The acquired land was 52 R only. Therefore, compensation awarded is proper. No interference is called for. Appeal is dismissed along with Civil Application.

29.6.2005 (D.G. DESHPANDE, J.)